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COMMENTS OF THE TRANSPORTATION TRADES DEPARTMENT, AFL-CIO

U.S. DEPARTMENT OF TRANSPORTATION FLIGHT OPERATIONAL QUALITY ASSURANCE PROGRAM

DOCKET NO. FAA-200-7554 -8

October 3, 2000

The Transportation Trades Department, AFL-CIO (TTD) submits the following comments in response to the above captioned notice of proposed rulemaking (NPRM) published by the Federal Aviation Administration (FAA) on July 5, 2000. TTD represents 30 transportation unions whose millions of members include workers in the aviation, rail, transit, trucking, highway, longshore and related industries. The Air Line Pilots Association and the Airline Division of the International Brotherhood of Teamsters, both TTD affiliates, filed joint comments with the Aerospace Industries Association, the Air Transport Association of America, the Coalition of Airline Pilots Association, the Independent Association of Continental Pilots and the Regional Airline Association. TTD concurs with their views in this important proceeding.

TTD and its aviation affiliates worked hard during the consideration of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century to ensure that the legislation reflected the need to protect air carriers and their employees from civil enforcement actions "that are reported or discovered as a result of voluntary reporting programs." We worked with our pilot unions and the House, Senate and White House to develop a directive to the FAA which we believed would result in a greater collection of safety data while protecting employees from unwarranted enforcement actions.

TTD believes that this NPRM does not reflect the intent of the law and in fact puts aviation workers in jeopardy of harmful enforcement actions. The Flight Operational Quality Assurance (FOQA) program is intended to facilitate voluntary information gathering to enhance safety. The NPRM, however, proposes to give the FAA unprecedented authority and new means for enforcement actions. It is quite troubling that the FAA proposed to put a supposed safety regulation in Part 13, "Investigative and Enforcement Procedures" – further evidence that shared information may be used for enforcement purposes.



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Under the current demonstration programs, the FAA does not collect aggregate data. Rather, the FAA may peruse the results of a carrier's FOQA program on the airline's property. We are concerned with the changes proposed in the NPRM to turn over FOQA data to the FAA. The FAA proposes to not only collect the data, but aggregate all of the airline data in order to analyze it. FOQA programs are individual and specific to each carrier. Aggregate data will not translate well into uniform standards. In fact, such action could be counterproductive as industry-wide standards would no longer allow the flexibility of carriers to apply their own data analysis to their individual operations.

Furthermore, we have serious concerns about the confidentiality of data shared outside an individual air carrier. The potential for abuse and/or misrepresentation is great and we believe that employees must be protected from intentional and unintentional disclosure to outside parties.

Voluntarily shared information should enhance safety programs. However, we believe strongly that the NPRM goes beyond the intent of law and will not afford aviation workers the necessary protection from enforcement actions. We appreciate the opportunity to present our views and urge the FAA to incorporate these comments when crafting a final rule regarding the sharing of safety data within Flight Operational Quality Assurance programs.

Respectfully submitted,

TRANSPORTATION TRADES DEPARTMENT, AFL-CIO

By: 

Edward Wytkind, Executive Director